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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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VINCENT MARTINEZ, §  
§  
Petitioner, §  
§  
versus § CIVIL ACTION NO. 1:12-CV-30  
§  
DIRECTOR, TDCJ-CID, §  
§  
Respondent. §

**MEMORANDUM ORDER ADOPTING THE  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner, Vincent Martinez, an inmate formerly confined at the Cleveland Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this petition be dismissed without prejudice as moot.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.<sup>1</sup>

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<sup>1</sup> A copy of the Report and Recommendation sent to petitioner was returned as undeliverable on December 8, 2014.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**Signed this date.**

**Jan 22, 2015**

*Marcia A. Crone*

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE